

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
THE COST SUPPORT MATERIAL FILED WITH THE)	
PROPOSED TARIFF OF SOUTH CENTRAL BELL)	CASE NO. 95-420
TELEPHONE COMPANY FOR INTRALATA TOLL)	
RESTRUCTURE, OPERATOR SURCHARGE CHANGES,)	
AND RESIDENCE AND BUSINESS DISCOUNTS)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell"), filed September 20, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of its proposed changes to its operator surcharge tariff on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell has filed several revisions to its General Subscriber Services Tariff. Included in the revisions are operator surcharges for which it has provided cost data to support the changes. By this petition, South Central Bell seeks to protect the cost support data as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to

preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for operator services are certain interexchange carriers and alternate operator service companies. Disclosure of the cost information would enable such competitors to determine the price or rate below which South Central Bell could not provide these services and allow competitors to adjust their prices accordingly. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.


This Commission being otherwise sufficiently advised,


IT IS ORDERED that the cost information filed in support of the operator surcharge changes, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 14th day of November, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director